

Remarks/Arguments:

Introduction

Claims 7-11 have been canceled. Claims 12-16 have been added. Support for newly added claims 12-16 may be found in previously presented claims 7-11 and in the specification. Claims 12-17 substantially represent claims 7-11, but have additional structural limitations from the specification to more clearly define the invention in accordance with U.S. practice. No new matter has been introduced with these claim amendments. Entry of claims 12-16 is respectfully requested.

Summary of the Invention

As set forth in independent claim 12, the present invention is directed to a work chair having two-stage height adjustability for accommodating lengths of upper and lower legs of a user. The work chair comprises a foot (1); a telescoping column (3) comprising a top column part (6), a central middle column part (5) and a bottom column part (4), the bottom column part (4) being positioned on the foot (1); a seat (7,8) supported in a height-adjustable manner by the telescoping column (3), the seat (7,8) comprising a front part (8) and a rear part (7), where the front part (8) of the seat is hinged to the rear part (7) of the seat, the rear part (7) of the seat being secured in a substantially horizontal position to the top column part (6), the front part (8) of the seat being secured to the central middle column part (5) in a hinged manner by a rod (9) having two hinges (10, 11), one hinge (10) being secured to an underside portion of the front part (8) of the seat and the other hinge (11) being secured to a securing position on the central middle column part (5); and an adjustable backrest (16) for promoting an upright position of a user's back, the adjustable backrest (16) being moveably arranged to the top column part (6) by a coupling (13, 14, 15, 78, 18), the coupling (13, 14, 15, 78, 18) comprising a first fixed rod (14) secured to the top column part (6), a second fixed rod (17) secured to the adjustable backrest (16), and an upwardly running rod (15) tiltably and slidably coupled to the first fixed rod (14) and tiltably coupled to the second fixed rod (17) so that the second rod (17) is

horizontally disposed. With such an arrangement, a height of the rear part (7) of the seat is adjustable via the telescoping column (3) to accommodate a length of a lower leg of a user and the front part (8) of the seat hingingly pivots to accommodate a length of an upper leg of a user as the height of the rear part (7) of the seat is adjusted. Further, the adjustable backrest (16) is adjustable forwards and backward with respect to the rear or fixed part (7) of the seat.

Section 112 Rejections

Claims 7-11 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants respectfully submit that new presented claims 12-16 obviate the section 112 concerns. Reconsideration and withdrawal of the claim rejections under Section 112 are respectfully requested.

Section 102 Rejections

a.) Claims 7-11 (which now are represented by claims 12-16) were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 3,446,532 to Cramer (hereinafter "Cramer"). Applicants respectfully traverse.

Cramer fails to disclose, *inter alia*, a three-part telescoping column, a front seat part hingingly connected to a central middle part of the telescoping column and the coupling arrangement of the backrest to top part of the telescoping column, including the tiltable upwardly running rod. In Figure 1 of Cramer a handle 44 is rotated to tilt the front seat portion 24 of the chair independent of any height adjustment of the chair; in Fig. 5 of Cramer a turnbuckle 60 is disposed between the front seat portion 24 and the spider portion 16 of the chair to tilt the front seat portion 24 independent of any height adjustment of the chair; and in Fig. 6 of Cramer a linkage 72 connects the front seat portion 24 to the standard 14 so that the front seat portion 24 may tilt downward when the rear seat portion 22 is tilted. As such Cramer fails to disclose the two-stage height adjustability of the chair of the present invention where the height of the rear part of the seat is adjustable via the telescoping column to accommodate a

length of a lower leg of a user and the front part of the seat hingingly pivots to accommodate a length of an upper leg of a user as the height of the rear part of the seat is adjusted.

Therefore, reconsideration and withdrawal of the rejections of claims 12-16 are respectfully requested.

b.) Claims 7-11 (which now are represented by claims 12-16) were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,401,077 to Hosoe (hereinafter "Hosoe"). Applicants respectfully traverse.

Hosoe discloses a chair having a one-piece backrest 6 and seat portion 2a. Thus, Hosoe fails to disclose, *inter alia*, the coupling arrangement of the backrest to top part of the telescoping column, including the tiltable upwardly running rod, of the present invention.

Therefore, reconsideration and withdrawal of the rejections of claims 12-16 are respectfully requested.

c.) Claims 7-11 (which now are represented by claims 12-16) were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,435,623 to Kapec et al. (hereinafter "Kapec"). Applicants respectfully traverse.

Kapec describes two different embodiments. A first embodiment (see, e.g., Figs. 1-3) is a stool which lacks, *inter alia*, the backrest of the present invention. A front seat part 11 of the stool is hinged to a rear portion 10A of the stool. The front seat segment 11A is connected to a casting 17 and is not connected to telescoping metal tubes 18. Thus, the height of this stool is not adjustable in two parts, i.e., a first height adjustment where the rear section of the seat remains substantially horizontal and a second height adjustment where the front section of the seat hinges downward.

A second embodiment (see e.g., Figs. 4-5) describes a chair having a backrest part that is fixed to a rear seat part. The assembly of the backrest part and the rear seat part is hinged with respect to a vertical stand 32.

Kapec, however, fails to describe the present invention as Kapec fails to describe, *inter alia*, a tiltable front seat portion and an adjustable backrest coupled to a telescoping column as set forth in independent claim 12.

Therefore, reconsideration and withdrawal of the rejections of claims 12-16 are respectfully requested.

d.) Claims 7-11 (which now are represented by claims 12-16) were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,536,067 to Pinto (hereinafter "Pinto"). Applicants respectfully traverse.

Pinto describes a chair 48 having a front seat part 36 and a rear seat part 38. Both seat parts 36, 38 are coupled to a standard 32 by gas springs 46, 54, respectively.

Pinto, however, fails to describe the present invention as Pinto fails to describe, *inter alia*, a tiltable front seat portion and an adjustable backrest coupled to a telescoping column as set forth in independent claim 12.

Therefore, reconsideration and withdrawal of the rejections of claims 12-16 are respectfully requested.

e.) Claims 7-11 (which now are represented by claims 12-16) were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,752,459 to Deisig (hereinafter "Deisig"). Applicants respectfully traverse.

Deisig describes an adjustable chair having a front part 2 hinged to a rear part 3 and a backrest 5 extending directly from the rear part 4. The backrest of Deisig is not adjustable with

respect to the rear seat part 4. Further, the rear seat part 4 is not fixed to piston rod 8 so that the rear part 4 remains horizontal. The rear part 4 is hinged (10, 11) to the piston rod 8, thereby not setting the seat part 4 in a fixed horizontal position and not permitting independent adjustment of the backrest 5.

Thus, Deisig fails to describe the present invention as set forth in independent claim 12. Therefore, reconsideration and withdrawal of the rejections of claims 12-16 are respectfully requested.

Section 103 Rejections

Claims 10-11 (which now are represented by claims 15-16) were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Cramer in view of U.S. Patent No. 4,161,337 to Ross et al. (hereinafter "Ross"). Applicants respectfully traverse.

Ross is cited by the Action for its two-part backrest. Ross, however, doesn't cure the deficiencies of Cramer because Ross and Cramer, individually or in combination, fail to teach or suggest, *inter alia*, a three-part telescoping column, a front seat part hingingly connected to a central middle part of the telescoping column and the coupling arrangement of the backrest to top part of the telescoping column, including the tiltable upwardly running rod.

Thus, Ross and Cramer, individually or in combination, fail to teach or suggest the present invention as set forth in independent claim 12. Therefore, reconsideration and withdrawal of the rejections of claims 15-16 are respectfully requested.

Summary

Therefore, Applicants respectfully submit that claims 12-16 are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

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Reply to Office Action of July 16, 2007
Docket No.: 903-185 PCT/US
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Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John S. Sopko", is written over a horizontal line.

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